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**Support by the United Nations system of the efforts of Governments
to promote and consolidate new or restored democracies**

United Nations Electoral Observer Mission for the general elections in Fiji in August 2001

Report of the Secretary-General

I. Summary

1. The present report is submitted pursuant to General Assembly resolution 55/280 of 25 July 2001, in which the Secretary-General was authorized to establish and requested to deploy the United Nations Electoral Observer Mission to monitor the electoral process and immediate post-election environment in Fiji and requested to report on the implementation of the resolution.

2. Resolution 55/280 was adopted in response to a letter dated 4 June 2001 from the caretaker Government of Fiji to the Secretary-General (see A/55/1016), in which the United Nations was requested to send observers to attend the upcoming general elections, which were being held as part of an expressed determination to restore the system of constitutional democracy that was derailed by the coup d'état of May 2000.

3. The Electoral Assistance Division of the Department of Political Affairs organized and deployed the Observer Mission. By mid-August, the Mission's core team was in Suva and by 23 August 2001, 38 international observers were deployed across the Fiji Islands. The Mission observed 96 per cent of polling stations during the week of voting and the entire counting process. Based on the observers' reports,

statistical analysis and broad consultations with representatives of Fijian society, the United Nations has concluded that the elections were conducted in a credible manner and that the results reflected the will of the people of Fiji.

4. During the period of post-election observation, however, a number of concerns were registered regarding the formation of the Government. In contravention of the Constitution, a multiparty Cabinet was not formed and this is now the subject of a legal challenge.

II. Background

Recent political history

5. The ethnic construct in Fiji plays a significant role in national political representation and has frequently been a focal point of political actors, particularly as culture and race in Fiji align to large degree with economic and geographical divisions.

6. According to the latest government figures, Fiji had a population of 806,217 at the end of 1999 and the following ethnic demographics: 52 per cent indigenous Fijians; 42 per cent Fijians of Indian descent; and 6 per



cent "general", consisting mainly of Fijians of European and Chinese ancestry.

7. Fiji achieved independence from the United Kingdom in 1970 under a Constitution that provided for a system of voting along "communal" lines, that is, ethnic affiliation. After 17 years of parliamentary democracy, the result of the 1987 elections triggered two successive coups d'état.

8. In those elections, a coalition of the National Federation Party (NFP) — supported primarily by Indo-Fijian voters — and the Fiji Labour Party (FLP) won the majority of votes, thus replacing the Alliance Party, which had dominated the political scene since independence and was supported largely by indigenous Fijians. Despite a multi-ethnic Cabinet, the Government was perceived by some as favouring Indo-Fijians. One month after the elections, a bloodless coup d'état resulted in the reinstallation of Alliance Party elements. A second coup d'état put an end to the tentative agreement being reached between the new Government and members of the deposed coalition and the Constitution was abrogated.

9. The ensuing Government promulgated a new Constitution in 1990 that reserved the posts of President and Prime Minister for indigenous Fijians and organized voting strictly along communal lines. After elections in 1992, Sitiveni Rabuka, who led the 1987 coups d'état, was appointed Prime Minister. Following a comprehensive constitutional review, a new Constitution was promulgated in 1997. It removed restrictions on the ethnicity of the Prime Minister, created non-ethnic seats to supplement communal seats, instituted the preferential "alternative vote" system for elections and provided for a mandatory multiparty Cabinet.

10. Under these provisions, elections were held in May 1999. The Fiji Labour Party and its coalition partners won the majority of the votes. The FLP leader, Mahendra Chaudhry, became the first Indo-Fijian Prime Minister of Fiji and a multi-party Government was established. However, on 19 May 2000, a group led by George Speight forcibly took control of the House of Representatives, holding the Prime Minister and others hostage for 56 days. The President declared a state of emergency and Parliament was suspended. The Commander of the Fiji Military Forces subsequently took over executive authority. Following extensive negotiations, Laisenia Qarase, an indigenous

Fijian economist, was appointed Prime Minister of an interim caretaker Government.

Invitation of the caretaker Government

11. As mentioned in paragraph 3 above, in a letter to the Secretary-General dated 4 June 2001, the caretaker Government of Fiji requested that the United Nations attend and observe the upcoming general elections, intended to mark the country's return to constitutional democracy following the May 2000 coup d'état. The caretaker Government also invited the Commonwealth and the European Union to send observer missions.

12. The United Nations dispatched an assessment mission to Fiji from 11 to 15 June 2001 to determine the feasibility of the Organization's involvement. Meeting with representatives from a broad spectrum of Fijian society, the assessment mission found that there was strong support for a free and fair election to take place and broad support for the presence of a United Nations observer mission. The mission also noted concerns about the long-term domestic acceptance of the election results.

13. On 25 July, the General Assembly adopted resolution 55/280, sponsored by Fiji and 58 other Member States, authorizing the Secretary-General to establish and requesting him to deploy the United Nations Electoral Observer Mission to monitor the general elections in Fiji and the immediate post-election environment. The Electoral Assistance Division of the Department of Political Affairs then undertook the design, organization and implementation of the Observer Mission.

III. Structure and methodology of the United Nations Electoral Observer Mission to monitor the general elections in Fiji and the immediate post-election environment

14. By mid-August, the Mission's core team of seven international staff set up its headquarters in Suva. The team consisted of a Chief of Mission, Chief of Operations, Senior Political Advisor, Legal Officer, Media Analyst and Assistant to the Chief of Mission. The main body of 38 international observers, sponsored by Member States and United Nations system bodies,

arrived in Fiji by 21 August. At full strength, the Mission represented 19 countries: Argentina, Australia, Belgium, Botswana, Chile, Egypt, Ethiopia, France, Japan, New Zealand, the Philippines, the Republic of Korea, the Russian Federation, Rwanda, Thailand, Uruguay, the United Kingdom, the United States and Viet Nam.

15. Prior to their deployment, the observers took part in two days of briefings on United Nations observation practices, the electoral law of Fiji, political history and relevant cultural issues. On 23 August, they were deployed by boat, airplane and car throughout the Fiji Islands in 19 teams of two each, including a Suva-based "roving team". They maintained daily contact with Mission headquarters and returned to Suva by 13 September for a comprehensive debriefing before departure. The core team remained in Fiji through 21 September.

16. During the week of polling, the observers visited 96 per cent of the 818 polling stations and all 71 voting constituencies. They overcame significant logistical hurdles to perform their duties, including in some cases travelling 22 hours across open seas. The observers met with voters and polling officials, party agents and community leaders. Each team observed a polling station opening and closing on each day of voting, with visits to stations in between. They spent approximately 30 to 45 minutes at each polling station, recording their observations. Reporting forms contained checklists of indicators of whether the electoral law of Fiji was being followed and the principles of the secrecy of vote and "one-person, one-vote" were being upheld. The results of their reports were later consolidated, enabling the Mission to analyse the findings.

17. After polling closed each day, the observers followed the transport of the ballot boxes from the polling station to the secured storage facility designated for each district. Where possible, teams followed the transport of the ballot boxes to the divisional counting centres on 2 September. The teams observed the entire counting process in each of the four counting centres.

18. The core team consulted widely with representatives of political parties and civil society in order to hear views and complaints about the electoral process. The Mission also remained in close contact with the Commonwealth observer group in order to maximize the positive impact of the international

observer presence. The office of the Resident Representative of the United Nations Development Programme (UNDP) provided valuable assistance, as did the UNDP Elections Project office.

IV. 2001 electoral process

19. In Fiji, voting is compulsory for all eligible citizens. Elections are conducted by the Elections Office, which is led by an independent Supervisor of Elections. Starting in May, the Elections Office conducted a comprehensive public education campaign to inform people about issues such as the secrecy of the ballot and how to vote.

20. There are two ways to cast a ballot under the alternative vote system of Fiji. Voters either rank candidates in the order of their preference (vote "below the line"), or vote in support of the order listed by the party for which they are voting (vote "above the line"). As the alternative vote system requires that a candidate receive the absolute majority of valid votes (50 per cent plus 1) in order to be elected, votes are redirected during the count until a candidate receives the threshold required for election. If the voter's preferred candidate is eliminated in the first round of counting, the vote is redirected to the voter's second preference, and so on until a candidate obtains the absolute majority.

21. The House of Representatives consists of 25 open seats and 46 communal seats: 23 for indigenous Fijians, 19 for Indo-Fijians, 1 for Rotumans and 3 for other ethnic groups. Each voter casts two ballots: one for a representative of any ethnicity and the other for a representative from his or her own ethnic community. The President appoints the Senate after consultations with different representative groups. The President appoints as Prime Minister a member of the House of Representatives who, in the President's opinion, can form a government that has the confidence of the House.

22. The electoral process lasted from 25 August through 7 September. Voting took place from 25 August to 1 September. Polling stations were open each day in populated areas. In remote areas, electoral officials travelled from village to village across the islands to conduct the balloting. Ballots were transferred to secure locations after the closing of the polls each day. A postal balloting system was used for

those unable to be present in their constituencies during the polling period. On 2 September, ballot boxes were transported from around the country to one of four divisional counting centres. The count commenced on 3 September and continued without pause until the results were announced on 7 September.

V. Mission findings

Campaign period

23. Eighteen parties put forth candidates and the campaigning process was lively. The vigour of political debate in the media of Fiji was striking, particularly in print that has outlets in English, Fijian and Hindustani. Political parties were given equal time on television and on radio, which is influential in the far-flung islands of Fiji. Political advertising on radio and television was available to all parties and candidates on a commercial basis. While such advertising was subject to a system of internal vetting, this did not result in complaints. The lively media coverage continued throughout the elections process and after. Permits were required for holding public meetings, but this did not appear to inhibit political gatherings and rallies.

Electoral period

24. On the whole, the citizens of Fiji were able to vote freely, secretly and independently, and the principle of "one person, one vote" was upheld. The credibility of the elections was evaluated based on a number of factors, including the consolidated results of voting observation forms from visits to 506 polling stations (excluding station openings and closings). Observation focused on certain critical factors, such as the use of individual booths for voting, the fact that ballots were counted at separate centres rather than polling stations and the adherence to procedures to avoid double voting.

25. There were no reports of major incidents that could affect the overall results and few reports of minor ones. Technical problems existed (see paras. 31-36 below), but overall, voters were able to exercise their right to vote in accordance with the law. For example, some polling stations were missing essential material, such as posters indicating the party preference

lists, but these matters were generally addressed by the Elections Office in short time.

26. Polling officials for the most part acted efficiently and impartially while conducting the polling, as prescribed by the electoral law. There were instances, primarily in one Division, where ballots were not initialled by polling officials before being given to voters, thus the ballots subsequently cast became invalid. This explains complaints that officials rather than voters made ballots invalid, but it was not a widespread occurrence. Polling agents (i.e., party representatives) were present in the vast majority of polling stations, observing the electoral process in accordance with the rules of Fiji. There were no reports of interference by these agents; in fact, their presence enhanced the transparency of the electoral process.

Complaints and incidents — general

27. The Mission recorded complaints from political parties, candidate representatives and voters. It also monitored media reports of incidents and problems. Daily meetings were held with the Supervisor of Elections in order to track the handling of complaints by the Elections Office. Most complaints were lodged with the Mission during the counting process and immediately after the announcement of the results. As technical matters were being sorted by the Elections Office, the Mission focused its analysis on the four main types of complaints which could have affected the integrity of the electoral process overall: intimidation and complaints of vote-buying, electoral rolls and voter turnout, the high number of invalid ballots and issues related to postal ballots.

Intimidation and complaints of vote-buying

28. The number of cases of alleged intimidation was not at a level sufficient to influence the results of the vote overall, but the problem may still have worked against the principle of democratic participation and voter freedom. In some areas, United Nations observers heard that some citizens had chosen not to vote for fear of retaliation.

29. Before the voting began, an anonymous leaflet was distributed which read, "A vote for FLP is a vote for bloodshed". The inherent gravity of this threat was

made more severe in light of the May 2000 coup d'état and the violence surrounding it. The Mission immediately brought the issue to the attention of the Elections Office and the police, recommending an investigation followed by prompt legal action. Both authorities assured the Mission that the matter would be investigated and the Police Commissioner issued a public warning against such practices of intimidation. No more leaflets were distributed, but the investigation has failed to yield conclusive results.

30. There were complaints of attempts to buy votes, which the Elections Office is investigating. However, the fact that the secrecy of the ballot was upheld overall would substantially mitigate the effect of any such attempts.

Electoral rolls

31. Significant numbers of citizens were not allowed to vote because their names could not be located on the electoral rolls. The causes for this are not clear, but the problem may have been related to technical factors such as the fact that Fijian voters are not given registration cards and many people have the same name.

32. On the first day of the vote, the Supervisor of Elections authorized Returning Officers to issue ballot papers for both communal and open seats to voters whose names appeared in either of the rolls, while upholding the instruction that those whose names did not appear on any electoral roll should not be allowed to vote. Since this directive was issued on the first day of the vote, there were instances where persons whose names appeared on only one roll were not allowed to vote.

33. In some cases, these people were issued "attempted to vote" forms, which protect them from being fined for failing to vote. In other instances, people were asked to return later in the week, by which time more complete information might be available from the Elections Office. It is not possible to determine how many people did in fact return to vote. On remote islands, United Nations observers reported that the new instruction did not arrive in time and that it was logistically impossible for the boats to return to allow people to exercise their right to vote when their names had appeared on one of the rolls. The number of these cases is also not available.

34. The Mission asked all the political parties in writing for details on the number of citizens who were unable to vote for reasons to do with the electoral roll, but no detailed responses were received. The number of "attempted to vote" forms completed will be the only official figure on how many people faced this situation, but it will not be a comprehensive record, as not every voter whose name could not be found completed this form.

35. However, it is important to note that neither the Mission nor the Elections Office received reports of people being deliberately and systematically deprived of their right to vote owing to political affiliation or ethnicity.

36. On issues related to voter turnout, there were 468,329 registered voters in 2001, which is 7 per cent higher than the official 1999 figure. At the same time, the Elections Office has acknowledged that the number of registered voters includes duplicate entries and deceased persons and it is clear that the 2001 voters roll was somewhat inflated. The Elections Office estimated voter turnout to be 77.86 per cent of all registered voters, compared to the 1999 turnout rate of 90.29 per cent. Part of the difference may be attributable to the inflated 2001 roll, which further highlights the importance of improving the accuracy of the electoral rolls. This would also facilitate the voting process itself by minimizing the time spent searching for voters' names, thus reducing the time voters spend waiting in line.

Invalid ballots

37. The Elections Office reported that 11.69 per cent of all votes cast (86,710 ballots) were invalid. In the 1999 general election, the invalid vote figure was 8.69 per cent. This increase raised concerns, especially as the relatively high percentage of invalid votes in 1999 was likely related to the new ballot structure introduced with the preferential voting system. In 2001, the novelty factor was less probable.

38. Statistical analysis showed that the invalid votes were almost equally distributed among the different communal constituencies and negated the possibility that the high percentage of invalid votes affected one political party more than any other. Most of the complaints revolved around invalid ballots for open constituency seats, yet the average percentage of

invalid ballots for open seat constituencies was 11.89 per cent, not significantly different from the overall national average of 11.69 per cent.

39. A large number of ballot papers were invalidated because they contained a single tick "below the line" — the area where, in a valid ballot, the voter would indicate his or her preferences by placing numbers next to the candidates. The Mission recorded complaints from some political parties alleging that polling officials — influenced by other political parties — may have provided misinformation to voters, deliberately causing the invalidations. However, the United Nations observers did not witness activities that would support such an allegation.

40. As the ballots in question are now sealed in accordance with the Electoral Act, further investigation would be the task of electoral authorities, acting under a court decision should the complainants opt to pursue legal action.

41. Although the invalid ballot phenomenon crossed party and constituency lines, the high number of invalid ballots in 2001 compared to the 1999 figure remains a concern, as it detracts from the democratic principle of expressing choice through the vote. It should be among the priorities of the Elections Office to investigate the situation in a comprehensive manner and to offer appropriate solutions for future elections.

Postal ballots

42. The United Nations Mission recorded allegations from political parties and candidates that postal ballots had been marked by the same hand (or hands), as well as concerns regarding an unusual ink colour used on many of these ballots. Another complaint raised allegations that unverified postal ballots were introduced after the verification stage of the counting process was completed. It was claimed that in one case, more than 500 unverified postal ballots were surreptitiously introduced into the count despite objections.

43. United Nations observers were highly visible in the counting centres throughout the entire counting process, yet the foregoing issues were not raised with members of the Mission in a clear manner until after the count was completed. As the ballots in question were by then sealed, further investigation can only take place under court order resulting from legal action.

Post-election environment

44. The Soqosoqo Duavata ni Lewenivanua (SDL) won 32 seats in the House of Representatives and FLP won 27. The leader of SDL — and Prime Minister of the caretaker Government — Mr. Qarase, was appointed Prime Minister and duly sworn in on 10 September.

45. The selection of a Cabinet by Mr. Qarase, however, was the subject of post-election controversy. The Constitution provides that the Prime Minister must invite all parties whose membership in the House of Representatives comprises at least 10 per cent of the total membership to be represented in the Cabinet in proportion to their numbers in the House. According to many estimates, FLP is entitled to at least eight seats in the Cabinet under this formula.

46. After being appointed Prime Minister, Mr. Qarase initiated an exchange of correspondence with Mr. Chaudhry — leader of FLP and the deposed Prime Minister — on the formation of a multiparty Cabinet. The Prime Minister invited Mr. Chaudhry to be part of the Cabinet. Mr. Chaudhry responded positively in a letter which the Prime Minister interpreted as containing conditions and, therefore, unacceptable. He then appointed a Cabinet that did not include representation from FLP.

47. Mr. Qarase has stated that a multiparty Cabinet in the current circumstances would be unworkable. But criticism has come from political parties and leading figures such as the Chief Justice and President of the Supreme Court of Fiji who publicly referred to the letter and spirit of the Constitution being overlooked. Mr. Chaudhry has announced that his party will challenge the legality of the Prime Minister's actions through the courts.

VI. Conclusions

48. Overall, the Mission found that the elections were credible and reflected the will of the people of Fiji. With full cooperation from the people and officials of Fiji, the Mission observed 96 per cent of polling stations and found no evidence of systemic attempts to manipulate the electoral process for political gain. There were several complaints and a number of technical problems, including serious issues related to the electoral rolls. On this and other issues the Mission

has made suggestions to the authorities of Fiji, which it hopes will prove useful for the future.

49. The preferential voting system prescribed by the Constitution of Fiji is considered by some to be unnecessarily complex and a cause of the high number of invalid votes. At the same time, it is recognized that the system was introduced to lessen the impact of the communal divide in Fiji. The debate on whether the present system is indeed the best for Fiji will no doubt continue.

50. The post-election observation revealed that there are still outstanding matters related to a full return to constitutionally democratic governance. These include the establishment of a multiparty Cabinet, as required by section 99 of the Constitution and this, in turn, is related to the appointment of the Leader of the Opposition and the Senate membership.

51. Given the foregoing, there is still an opportunity to assist and support Fiji in its expressed determination to return to full constitutional democracy. Continued participation by the United Nations is made viable, and its potential to contribute well served, by the credibility established by the Mission during its time in Fiji.

52. The United Nations Electoral Observer Mission deployed rapidly and successfully fulfilled its purpose while working within severe time and logistical constraints. The Organization appreciates the cooperation extended to the Mission in carrying out its mandate in Fiji. Those who made the Mission a success should be commended, including the Member States who contributed observers, the Electoral Assistance Division of the Department of Political Affairs, the Mission's core team and observers, and UNDP in Fiji. Most important, recognition is due to the many people of Fiji who worked tirelessly towards the restoration of democracy.